Mitch Henck: Little Fights All the Way to The High Court

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Greg Thompson of Verona is going all the way to the Wisconsin Supreme Court.

An independent real estate developer since graduating from UW-Madison in 1987, Thompson bought his first property right out of college. He converted a 700-square-foot house on Doty Street in Madison into student housing.

After years of toiling away at real estate, Thompson's life changed in 2003.

He found a house on Milwaukee Street that was zoned agricultural, even though it was in the middle of Madison. He wanted to live there with his family on a half-acre and build a small outbuilding for his workshop. But the city of Madison said he was limited to 800 square feet for his work materials and his vehicles.

"I couldn't even fit my car in that much space," he says.

So, City Hall forced Thompson to look for space in the town of Burke. No problem. Along the way, Thompson decided to test the market for 1,250-square-foot industrial units. After building the first one and advertising locally, a man pulled up in his truck to say he wanted to buy it.

"He always wanted a woodworking shop, lived close by in Maple Bluff, and he needed more room," Thompson says. "He said tell me how much it is and I'll write the check."

Thompson knew then there was a specific need for small storage, workshop and business space you could own. In fact, Thompson sold 22 more of the industrial condos in advance of construction.

Thompson found his niche. He created a new logo, StorageShopUSA. The following year, he sold 28 more units on Post Road, and life was good.

Then enter the government of Delafield. In 2015, Thompson hoped to build eight double industrial units and one single in the Delafield Industrial Park. As usual, Thompson planned to connect to the existing sewer pipe to serve the project and make sure sewage was connected properly to the treatment plant. While the other property owners in the business park each paid a $7,000 connection fee regardless of how many units

they each had, Thompson was shocked when the Delafield/Hartland Water Pollution Control Commission charged him $7,000 for each unit. That made the total sewer connection fee $126,000. The amount was twice as much as all the other property owners in the entire business park combined had to pay.

It didn't seem right to Thompson. So, he appealed.

First, he challenged the commission and lost, even though a multi-level rental property only had to pay one fee. Outraged, Thompson took his case to the Public Service Commission. He lost again. Now it was time to file for judicial review in Dane County Court. Thompson put his LLC, TMS Investments and his own name on the petition because he wasn't sure which had legal standing.

Dane County Judge Juan Colas ruled the LLC was the aggrieved party, and Thompson had no standing because he wasn't a lawyer. After getting a lawyer, Colas threw it out anyway. Thompson then went to the Court of Appeals. They dismissed him also -- not on the merits, but on a technicality.

The next step is to take his petition to the state Supreme Court. Thompson will represent himself. Thompson has done so much homework on state law that he recently applied to enter UW Law School. Though a UW engineering graduate, he was not accepted.

Thompson paid the $126,000 and eventually sold the Delafield project, but he wants to get his money back for reasons other than money.

"It's about what is right," Thompson says. The odds are against him. But he would be satisfied if the court at least got to the merits and didn't just dismiss it on a technicality. Just like Jimmy Stewart in "It's a Wonderful Life," Thompson believes deeply in the American Dream. Like Stewart's character George Bailey in the movie, he just might win.

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